

GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

LANDS – Hyderabad District – Asifnagar Mandal- Conversion of lease hold rights into free hold rights in respect of Non-ISF lands located in premises No. 10-2-289/4, Mallepally Village of Asifnagar Mandal to an extent of 961 Square Yards in favour of Sri Syed Manzoor Muqtadar S/o late S.M. Hussain in terms of G.O. Ms. No.1340, Revenue (Assn.III) Department, dated 21.11.2008 – Permission accorded – Orders – Issued.

Revenue (Assignments.III) Department

G.O. Ms. No. 613

Dated 31 .05.2011.

Read the following :-

- (1) G.O. Ms. No.1340, Revenue (Assn.III) Department, dated 21.11.2008.
- (2) From the Special Chief Secretary and Chief Commissioner of Land Administration, AP Hyderabad Letter Ref. No. S4/285/2010, dated .11.2010.
- (3) Government Memo. No. 55563/Assn.III(2)/2010-1 dated 27.12.2010 addressed to Special CS and CCLA –AP Hyderabad.
- (4) From the Special Chief Secretary and Chief Commissioner of Land Administration, AP Hyderabad Letter Ref. No. S4/285/2010, dated .04.2011.

-:O:-

ORDER :-

In the G.O. 1st read above Government have issued orders for conversion of lease hold rights into free hold rights in respect of Non-ISF lands in Hyderabad area on payment of conversion charges and the Chief Commissioner of Land Administration AP Hyderabad has been requested to take necessary further action on the applications received for conversion of lease hold rights into free hold rights and in respect of applications above the extent of 501 Square yards shall be submitted to Government along with record of enquiry for consideration and approval.

2. *The District Collector – Hyderabad in Letter No. C1/60/2009 dated 07.04.2010 addressed to the Special CS and CCLA submitted that one Sri Syed Manzoor Maqthadar S/o late S.M. Hussain, has filed an application for conversion of lease hold rights into free hold in respect of Non-ISF lands located in premises No. 10-2-289/4, Mallepally Village of Asifnagar Mandal to an extent of 961 Square Yards in terms of G.O 1st cited. The District Collector also submitted that enquiry that the subject Non-ISF land is located in TS No.9, Block-D, Ward No.38 of Mallepally Village and on verification of TSLR, the name of M.D. Kasim Hussain is recorded in Col. No. 23 of Twon Survey Land Records recorded that one old building is existing on ground and the premises No. 10-2-289/4 is assigned to the above building, the total area on ground is 803.3 Square Meters or 961 Square Yards, and the applicant has filed the Rectification Deed and Agreement of Sale-cum-GPA.*

3. *On perusal of the report and relevant documents of Tahsildar, Asifnagar Mandal, it was noticed that a plot of land bearing premises No. 10-2-289/3 admeasuring 5413 Square Meters situated at Mallepally, Hyderabad is originally a lease land property and the lease was granted by the then Nizam of Hyderabad in favour of Lr. Col. Abbas Mehdi for a premium of O.S. Ts.5413.8.0 and on an annual ground rent of O.S. Rs.16.12.0 in Lr. No. 3373 dated 18.3.1950 of the Army Secretariat erstwhile, Hyderabad Government in G.O. Ms. No. 22, Revenue dated 03.01.1959, the lessee was permitted to dispose of the whole or a portion of the land admeasuring 5,413 Square yards situated at Mallepally in Hyderabad City to enable him to either purchase or to build a house.*

4. *Government have issued G.O. Ms. No. 1058, Revenue Department, dated 15.10.1968 granted permission to the lessee Lt. Col. Abbas Mehdi to sellout (4) plots in favour of the following (4) plots in favour of the following (4) persons i.e.*

contd..2.

- (1) Sri Iqbal Chand 1362 Square Yards
- (2) Dr. Bankat Chandra 1353 Square Yards
- (3) Dr. Harish Chandra 1324 Square Yards and
- (4) Dr. Quasim Hussain Siddiqui 1369 Square Yards and extended the lease period for 99 years with effect from 10.04.1950, subject to the condition that the terms of original lease granted in favour of Major Abbas Mehdi shall be remained unaltered.

5. Dr. Quasim Hussain Siddiqui who has been allotted 1369 Square yards has requested for transfer of lease hold rights to her wife Smt. Tahera Raziya Siddiqui to an extent of 408 Square Yards. The Government has accorded permission vide G.O. Ms. No. 826, Revenue Department, dated 27.7.1968 to transfer the lease hold rights in respect of 408 Square Yards of land, out of 1369 Square yards Non-ISF land situated at Mallepally, Hyderabad City held by Mohd. Quasim Hussain Siddiqui in favour of Smt. Tahera Razia Siddiqui (wife).

6. Government vide G.O. Ms. No. 385, Revenue (G1) Department, dated 20.4.1974 permitted Dr. Quasim Hussain Siddiqui and his wife Smt. Tahera Razia Siddiqui to transfer the lease hold rights for the unexpired portion of original lease in respect of plots measuring 961 Square Yards and 408 Square Yards of Non-ISF lands situated at Mallepally area, Hyderabad in favour of prospective purchasers with conditions by executing a separate and fresh agreement with suitable conditions and restrictions. Further, Dr. Quasim Hussain Siddiqui has expired on 15.12.1998 leaving behind his son Dr. Farooq Hussain Siddiqui and two daughters Smt. Humera Haq and Smt. Farida Ahmed Mirza during his life time Dr. Mohd. Khasim Hussain Siddiqui has executed a Will for the utilization of the land and building and his son and daughters constituted a trust by means of HIBA and the trust is in possession and enjoyment. According to the above order, the lease rights were transferred and in turn Sri Syed Jawad Zulqadar, Managing Trustee of the "The Zulqadar Trust".

7. The above Trust has executed agreement of sale cum GPA on 29.5.2006 in favour of the applicant Sri Manzoor Muqthadar, now the applicant has filed application for transfer of lease hold to free hold rights in accordance to G.O. Ms. No. 1340, for an extent of 803 Square Meters or 961 Square yards. According to Tahsildar, Asifnagar the present market value as per the information provided by SRO Golconda is Rs.25,000/- per Square Yard.

8. In the reference 2nd read above the Special CS and CCLA interalia submitted that that in the instant case, consequent to the death of the lessee Dr. Quasim Hussain Siddiqui on 15.12.1998, the legal heirs of the deceased i.e. Dr. Farooq Hussain Siddiqui and two daughters Smt. Humera Haq and Smt. Farida Ahmed Mirza during the life time of Dr. Mohd. Quasim Hussain Siddiqui executed a WILL for the utilization of land and building and therefore constituted a Trust by means of HIBA and the Trust is in possession and enjoyment and in turn Sri Syed jawad Zulqadar, Managing Trustee executed agreement of sale cum GPA on 29.5.2006 in favour of the applicant Sri Manzoor Muqthadar and filed the application for conversion of lease hold rights into free hold in accordance with G.O. Ms. No. 1340, Revenue (Assn.III) Department, dated 21.11.2008 and the Collector – Hyderabad District sent the proposal in his favour. In the instant case, the legal heirs of Late Dr. Quasim Hussain Siddiqui by virtue of the un-registered Memorandum cum Acknowledgment of Past Oral Gift, gifted orally to the Trust. As could be seen from the transactions pertaining to the Non-ISF lands, the Government issued the orders permitting the lessees to sale or to transfer. But, in the instant case, though the legal heirs of late Dr. Quasim Hussain Siddiqui orally gifted the subject lease land by virtue of un-registered Memorandum cum Acknowledgment of Past Oral Gift made in furtherance to fulfil the desire of Late Dr. Quasim Hussain Siddiqui, without such permission of the Government, as per the covenant mentioned therein in the Lease Deed at 'G' gifted the lease property in favour of the Trust and the Trust in turn by virtue of Registered Agreement for Sale cum GPA sold away the property in favour of Sri Syed Manzoor Muqtadar S/o late S.M. Hussain. The Collector Hyderabad District also issued NOC vide Letter No. F1/11/1566/1999, dated 26.3.1999 in favour of the Trustee.

contd.3.

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9. The Government vide G.O. Ms. No. 1340, Revenue (Assn.III) Department, dated 2.11.2008 while approving the scheme for conversion of Non-ISF lease hold lands into free hold in Hyderabad District with conversion charges at the rates specified therein, shown against the extents for residential and commercial leases, duly enumerating the conditions for levy of conversion charges and concessions and also penal provisions for applying the rates for commercial purposes as decided by the Special CS and CCLA, Hyderabad, where residences were converted into commercial purposes, such as commercial complexes / flats in violation of lease conditions and to levy penalty amount equal to 10% of conversion charges, where the buildings in the leased lands, without sanction of building Plan by the GHMC. Except the above, there is no provision in the said G.O. specifying the procedure to be followed incase of the leases sold away, without the prior permission of the competent authority. In case of leases in Secunderabad Area, by virtue of the powers vested with the Chief Commissioner of Land Administration under rule 22 of Andhra Pradesh (Secunderabad Area) Land Administration Rules, 1976, the proposals received from the Estate Office, Secunderabad for transfer and conversion of lease hold rights into free hold rights, where the lease land is sold away without the permission of the competent authority, are being regularized by levying the additional compounding fee for major violations, as specified in the Annexure IV of G.O. Ms. No. 816, Revenue (Assn.III) Department, dated 09.08.1994 in terms of Government Memo. No. 49128/Assn.III(1)/96-1, dated 29.10.1996 issued in furtherance to the G.O.Ms. No. 816, Revenue (Assn.III) Department, dated 9.8.1994.

10. While furnishing the above information, the said proposal has been sent to Government along with the documents for taking further necessary action in the matter.

11. In the reference 4th read above, when called for a further report the Special CS and CCLA has submitted that that the actual amount to be collected for conversion of "lease hold rights" into "free hold rights" in respect of NON-ISF land comprising of Premises No.10-2-289/4 measuring 961 Square Yards located in TS No.9, Block-D, Ward No.38 of Mallepally Village, Asifnagar Mandal in favour of Sri Syed Manzoor Muqtadar S/o late S.M. Hussain is Rs.79,60,641/- (Rupees seventy nine lakhs sixty thousand six hundred and forty one only) at rate of 30% of the basic value.

12. In the circumstances stated by the Collector – Hyderabad and Chief Commissioner of Land Administration AP Hyderabad, Government have examined the matter, and after careful consideration hereby accord permission to the Special CS and for conversion of "lease hold rights" into "free hold rights" in respect of NON-ISF land comprising of Premises No.10-2-289/3 measuring 961 Square Yards located in TS No.9, Block-D, Ward No.38 of Mallepally Village, Asifnagar Mandal in favour of Sri Syed Manzoor Muqtadar S/o late S.M. Hussain is Rs.79,60,641/- (Rupees seventy nine lakhs sixty thousand six hundred and forty one only) at rate of 30% of the basic value in terms of G.O. Ms. No.1340, Revenue (Assn.III) Department, dated 21.11.2008 .

13. The Special Chief Secretary and Chief Commissioner of Land Administration, AP Hyderabad / District Collector – Hyderabad shall take necessary further action accordingly.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

ANIL CHANDRA PUNETHA
PRINCIPAL SECRETARY TO GOVERNMENT

To
The Special Chief Secretary and Chief Commissioner
of Land Administration, AP – Hyderabad.
The District Collector – Hyderabad.

Copy to;
The Applicant [thro' Collector Hyderabad]

/ Forwarded :: By Order /

SECTION OFFICER